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10/564,288

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Kiyotaka Tanaka

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EXAMINER

CHU, KIM KWOK

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/564,288 | Applicant(s) TANAKA ET AL. | |
| | Examiner KIM CHU | Art Unit 2627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2 Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) in Claim 1, line 6, the term "+RW/+R" is indefinite because the recording standard, for example, DVD, is not specified. On the other hand, in last two lines, the limitation "for 186-multiplying the binarized wobble signal on receipt of the output of the selector" is not clear. First, the term "186-multiplying" is not definite because the nature of multiplying operation, for example, cycle time, cycle length or cycle speed etc. is not specified. Second, the term "receipt" does not specify what signal is outputted from the selector;

(b) similarly, in Claim 2, line 7, the term "+RW/+R" is indefinite because the recording standard, for example, DVD, is not specified. Furthermore, in last two lines, the limitation "for 32-multiplying the binarized wobble signal on receipt of the output of the selector" is not clear. First, the term "32-

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"multiplying" is not definite because the nature of multiplying operation, for example, cycle time, cycle length or cycle speed etc. is not specified. Second, the term "receipt" does not specify what signal is outputted from the selector; and

(c) in addition, in Claim 7, in lines 6-8, the claimed limitations "a first standard" and "a second standard" are indefinite because the recording standards, for example, DVD, is not specified. Furthermore, in last three lines, the limitation "for multiplying the binarized wobble signal to change its cycle from the wobble cycle to the cycle of the recording clock, on receipt of the output of the selector" is not clear. First, the term "multiplying" is not definite because the nature of multiplying operation, for example, cycle time, cycle length or cycle amplitude etc. is not specified and therefore it is not clear how it changes to the recording clock. Second, the term "receipt" does not specify what signal is outputted from the selector.

The claims not specifically mentioned above are indefinite based upon their dependence on the indefinite Claims 1 and 2.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-4 and 7, as best understood respect to the above indefinite claimed limitations, are rejected under 35 U.S.C. § 102(e) as being anticipated by Tada et al. (U.S. Publication 2004/0052181).

5. Tada teaches a recording clock generation apparatus having all of the elements and means as recited in claims 1 and 3. For example, Tada teaches the following:

(a) with respect to Claim 1, the recording clock generation apparatus 48 for generating a recording clock to be used when performing recording on plural media (DVD-RW, DVD+RW) based on different standards of frequencies at recording, using the same recorder (Fig. 1; abstract), the apparatus comprising: a frequency conversion circuit 48 for converting an inputted 32T-cycle binarized wobble signal based on a +RW/+R standard into a 186T-cycle binarized wobble signal (high and low signals)

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based on a DVD-R/RW standard (Figs. 5 and 6; 32T wobble signals are converted to a high/low standard which is used to determine the DVD+RW and DVD-RW by the CPU); a selector SW (Fig. 1) for selecting either the converted 186T-cycle binarized wobble signal (from CPU 40) that is outputted from the frequency conversion circuit 54 or the inputted 186T-cycle binarized wobble signal (Fig. 1, DVD+RW detection 42 or DVD-RW 44 is selected), and outputting the selected signal (Fig. 1; 42 or 44 is selected and then outputted to encoder/decoder 38); and a PLL circuit 38 for 186-multiplying the binarized wobble signal on receipt of the output of the selector.

(b) with respect to Claim 3, the recording clock generation apparatus further including a physical address data decoder 42, 44 (Fig. 1) comprising a circuit for converting a binarized ADIP signal based on the +RW/+R standard (DVD) into a binarized land pre-pit signal based on the DVD-R/RW standard, and a circuit for detecting even sync data, odd sync data, 0 data, and 1 data from the binarized land pre-pit signal (Fig. 4(A) and 4(B); pages 2 and 3, sections 34- 39).

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6. Claim 7 has limitations similar to those treated in the above rejection, and are met by the references as discussed above.

7. Tada teaches a recording clock generation apparatus having all of the elements and means as recited in claims 2 and 4. For example, Tada teaches the following:

(a) with respect to Claim 2, the recording clock generation apparatus 48 for generating a recording clock to be used when performing recording on plural media (DVD-RW, DVD+RW) based on different standards of frequencies at recording, using the same recorder (Fig. 1; abstract), the apparatus comprising: a frequency conversion circuit 54 (Fig. 5) for converting an inputted 186T-cycle binarized wobble signal based on a DVD-R/RW standard into a 32T-cycle binarized wobble signal (high and low signals) based on a DVD+R/RW standard (Figs. 5 and 6; 186T wobble signals are converted to a high/low standard which is used to determine the DVD+RW and DVD-RW by the CPU); a selector SW (Fig. 1) for selecting either the converted 32T-cycle binarized wobble signal (from CPU 40) that is outputted from the frequency conversion circuit 54 or the inputted 32T-cycle binarized wobble signal (Fig. 1, DVD+RW detection 42 or DVD-RW 44 is selected), and outputting the selected signal (Fig. 1; 42

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or 44 is selected and then outputted to encoder/decoder 38); and a PLL circuit 38 for 32-multiplying the binarized wobble signal on receipt of the output of the selector.

(b) with respect to Claim 4, the recording clock generation apparatus further including a physical address data decoder 42, 44 (Fig. 1) comprising a circuit for converting a binarized land pre-pit signal based on the DVD-R/RW standard into a binarized ADIP (wobble) signal based on the +R/RW standard (DVD), and a circuit for detecting sync data, 0 data, and 1 data from the binarized ADIP signal (Fig. 4(A) and 4(B); pages 2 and 3, sections 34- 39).

Allowable Subject Matter

8. Claims 5 and 6 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 5, the prior art of record fails to teach or fairly suggest a recording clock generation apparatus having a phase adjustment circuit for performing phase adjustment between the 186T-cycle binarized wobble signal and the binarized land pre-pit signal which are based on the DVD-R/RW standard.

As in claim 6, the prior art of record fails to teach or fairly suggest a recording clock generation apparatus having a phase adjustment circuit for performing phase adjustment between the 32T-cycle binarized wobble signal and the binarized ADIP signal which are based on the +RW/+R standard (DVD).

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

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10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627

May 26, 2008
(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner

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